

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2010

1 WHEREAS, Ridge Development and Southview, Inc. have submitted an application
2 designated as Special Permit No. 2010 for authority to develop Pine Lake Heights South 8th
3 Addition Community Unit Plan for 66 residential units, with requested waivers of the requirement
4 to submit a preliminary plat, that final plats be based upon preliminary plats, that final plats
5 accepting the dedication of public streets and private roadways be heard before the Planning
6 Commission, and requests to waive the required yard setbacks, Community Outdoor Recreation
7 Plan, minimum lot area, pavement width, and cul-de-sac geometry on property generally located
8 northeast of the intersection of South 30th Street and Yankee Hill Road, and legally described to
9 wit:

10 A portion of Outlot E Pine Lake Heights South 4th Addition, located
11 in the Southwest Quarter of Section 19, Township 9 North, Range
12 7 East of the 6th P.M., City of Lincoln, Nebraska, and more
13 particularly described as follows:

14 Commencing at the southeast corner of said Outlot "E", said point
15 being the true point of beginning; thence along an assumed bearing
16 of south 88 degrees 45 minutes 30 seconds west along the south
17 line of said Outlot "E", said line being 60.00 feet north of and parallel
18 with the south line of said Southwest Quarter, a distance of 281.19
19 feet to a point; thence north 01 degrees 14 minutes 30 seconds
20 west, a distance of 398.42 feet to a point of curvature; thence along
21 a curve in a clockwise direction, having a radius of 4967.00 feet, arc
22 length of 79.86 feet, delta angle of 05 degrees 55 minutes 16
23 seconds, a chord bearing of north 00 degrees 46 minutes 52
24 seconds west, and a chord length of 79.86 feet to a point of
25 tangency; thence north 00 degrees 19 minutes 13 seconds west
26 along an extension of a west line of said Outlot "E", and a west line
27 of said Outlot "E", a distance of 383.62 feet to a north corner of said
28 Outlot "E"; thence along a curve in a counter clockwise direction,
29 having a radius of 833.00 feet, arc length of 178.69 feet, delta angle
30 of 12 degrees 17 minutes 26 seconds, a chord bearing of north 12
31 degrees 17 minutes 26 seconds east along a north line of said
32 Outlot "E", and a chord length of 178.35 feet to a point of reverse
33 curvature; thence along a curve in a clockwise direction, having a

1 radius of 467.00 feet, arc length of 306.35 feet, delta angle of 37
2 degrees 35 minutes 09 seconds, a chord bearing of south 86
3 degrees 05 minutes 19 seconds east along a north line of said
4 Outlot "E", and a chord length of 300.89 feet to a point of tangency;
5 thence south 67 degrees 17 minutes 45 seconds east along a north
6 line of said Outlot "E", a distance of 62.22 feet to the northeast
7 corner of said Outlot "E"; thence south 22 degrees 42 minutes 15
8 seconds west along an east line of said Outlot "E", a distance of
9 468.42 feet to a point of curvature; thence along a curve in a counter
10 clockwise direction, having a radius of 800.00 feet, arc length of
11 334.35 feet, delta angle of 23 degrees 56 minutes 45 seconds, a
12 chord bearing of south 10 degrees 43 minutes 53 seconds west
13 along an east line of said Outlot "E", and a chord length of 331.92
14 feet to a point of tangency; thence south 01 degrees 14 minutes 30
15 seconds east along an east line of said Outlot "E", a distance of
16 80.03 feet to the point of beginning, said tract contains a calculated
17 area of 334,401.54 square feet or 7.68 acres, more or less;

18 WHEREAS, the real property adjacent to the area included within the site plan for
19 this community unit plan will not be adversely affected; and

20 WHEREAS, said site plan together with the terms and conditions hereinafter set
21 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote
22 the public health, safety, and general welfare.

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
24 Nebraska:

25 That the application of Ridge Development and Southview, Inc., hereinafter referred
26 to as "Permittee", to develop Pine Lake Heights South 8th Addition Community Unit Plan for 66
27 dwelling units on the property legally described above, be and the same is hereby granted under
28 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
29 condition that construction and operation of said community unit plan be in strict compliance with
30 said application, the site plan, and the following additional express terms, conditions, and
31 requirements:

- 32 1. This permit approves a community unit plan for up to 66 dwelling units.
- 33 2. The requirement that the Permittee submit a preliminary plat is waived,

1 except that this waiver of the preliminary plat shall only be effective for a period of ten years from
2 the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or
3 a portion of the approved community unit plan is submitted five years or more after the effective
4 date of the community unit plan, the City may require that a new community unit plan be submitted,
5 pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required
6 if the subdivision ordinance, the design standards, or the required improvements have been
7 amended by the city; and as a result, the community unit plan as originally approved does not
8 comply with the amended rules and regulations..

9 3. The Planning Director is hereby authorized to approve an Administrative
10 Final Plat based upon the approved Community Unit Plan.

11 4. The Planning Director is hereby authorized to approve an Administrative
12 Final Plat that includes accepting the dedication of public streets and private roadways within this
13 Community Unit Plan.

14 5. A waiver to the required yard setback is approved as shown on the site plan.

15 6. A waiver to the minimum lot area is approved.

16 7. A waiver to the cul-de-sac geometry is approved to allow a 30' radius.

17 8. Reduction of pavement width to 24 feet is approved.

18 9. Administrative Final Plats will be approved by the Planning Director after:

- 19 a. The Permittee has completed or posted a surety to guarantee the
20 completion of the public streets, private roadway improvements,
21 sidewalks, sanitary sewer system, water system, drainage facilities,
22 land preparation and grading, sediment and erosions control
23 measures, storm water detention/retention facilities, drainageway
24 improvements, street lights, landscaping screens, street trees,
25 temporary turnaround and barricades, and street name signs.

- 1 b. The Permittee has signed an agreement that binds the subdivider,
2 its successors and assigns:
- 3 i. to submit to the Director of Public Works a plan showing
4 proposed measures to control sedimentation and erosion
5 and the proposed method to temporarily stabilize all graded
6 land for approval.
- 7 ii. To complete the private improvements shown on the
8 Community Unit Plan.
- 9 iii. To maintain the outlots and private improvements on a
10 permanent and continuous basis and to recognize that there
11 may be additional maintenance issues or costs associated
12 with providing for the proper functioning of stormwater
13 detention/retention facilities as they were designed and
14 constructed. However, the Permittee may be relieved and
15 discharged of this maintenance obligation upon creating in
16 writing a permanent and continuous association of property
17 owners who would be responsible for said permanent and
18 continuous maintenance. The Permittee shall not be
19 relieved of such maintenance obligation until the document
20 or documents creating said property owners association
21 have been reviewed and approved by the City Attorney and
22 filed of record with the Register of Deeds.
- 23 iv. To continuously and regularly maintain the street trees along
24 South 30th Street, Grainger Parkway, the private roadways
25 and the landscape screens.

- v. To submit to the lot buyers and home builders a cop of the soil analysis.
 - vi. To pay all improvement costs.
 - vii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - viii. To protect the trees that are indicated to remain during construction and development.
 10. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan including six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the Planning Director.
 11. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 12. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
 13. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 14. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

1 15. The Permittee shall sign and return the City's letter of acceptance to the City
2 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period
3 may be extended up to six months by administrative amendment. The City Clerk shall file a copy
4 of the resolution approving the special permit and the letter of acceptance with the Register of
5 Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor